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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/660,709 | 09/13/2000 | Anthony C. Spearman | 029560.00002 | 7002 |

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| EXAMINER |
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NGUYEN, TOAN D

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| ART UNIT | PAPER NUMBER |
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2665

DATE MAILED: 11/10/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/660,709

Applicant(s)

SPEARMAN ET AL.

Examiner

Toan D Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11 is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-13, 15-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. Claims 1-6, 10, 12-13, 15-20 and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts, Jr. et al. (U.S. Patent 6,295,197 B1) in view of Linden et al. (U.S. Patent 6,549,773 B1) and further in view of Kawan (U.S. Patent 5,796,832).

For claims 1-6, 8-10, 12-13, 15-20 and 22-29, Watts, Jr. et al. disclose wireless communication apparatus comprising:

- a chassis (figure 2, col. 4 lines 27-30);
- at least one network card (col. 4 lines 22-23);
- at least one wireless card (col. 9 lines 39-41);
- at least one processor (figure 12, col. 7 lines 38-39).

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Watts, Jr. et al. do not disclose:

an operating system, the operating system operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis;

a packet-switched interface capable of receiving a multiplicity of inbound frame packet-data to provide inbound packets and transmitting a multiplicity of outbound frame packet-data comprising outbound packets;

a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and that constructs the outbound packets and channels the outbound packets with the outbound address information, the channeling controller capable of being effectively connected to at least one network via the operating system;

an authenticator in operative communication with the operating system to allow authentication at the wireless provisioning device; whereby the user of a mobile computing device connects to the wireless provisioning device without having to access the internet.

In an analogous art, Linden et al. disclose:

an operating system, the operating system operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis (col. 3 lines 44-47);

a packet-switched interface capable of receiving a multiplicity of inbound frame packet-data to provide inbound packets and transmitting a multiplicity of outbound frame packet-data comprising outbound packets (col. 10 lines 53-65);

a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and that constructs the outbound packets and channels the outbound packets with the outbound address information, the channeling controller capable of being effectively connected to at least one network via the operating system (col. 7 lines 43-53).

One skilled in the art would have recognized an operating system to use the teachings of Linden et al. in the system of Watts, Jr. et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the operating system as taught by Linden et al. in Watts, Jr. et al.'s system with the motivation being to control the actual operation of the device (col. 3 lines 44-51).

However, Watts, Jr. et al. in view of Linden et al. do not disclose an authenticator in operative communication with the operating system to allow authentication at the wireless provisioning device; whereby the user of a mobile computing device connects to the wireless provisioning device without having to access the internet. In an analogous art, Kawan discloses an authenticator in operative communication with the operating system to allow authentication at the wireless provisioning device; whereby the user of a mobile computing device connects to the wireless provisioning device without having to access the internet (figure 3A, col. 3 lines 44-56 and col. 4 lines 43-67).

One skilled in the art would have recognized an authenticator to use the teachings of Kawan in the system of Watts, Jr. et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the authenticator as taught by Kawan in Watts,

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Jr. et al. with the motivation being to provide the terminal thereby functions as a credit-authorization terminal (col. 4 lines 63-64).

4. Claims 7-9 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watts, Jr. et al. (U.S. Patent 6,295,197 B1) in view of Linden et al. (U.S. Patent 6,549,773 B1) and further in view of Hampson et al. (U.S. Patent 6,453,371 B1).

For claims 7-9 and 21-22, Watts, Jr. et al. disclose wireless communication apparatus comprising:

- a chassis (figure 2, col. 4 lines 27-30);
- at least one network card (col. 4 lines 22-23);
- at least one wireless card (col. 9 lines 39-41);
- at least one processor (figure 12, col. 7 lines 38-39).

Watts, Jr. et al. do not disclose:

a LINUX operating system, the operating system operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis;

a packet-switched interface capable of receiving a multiplicity of inbound frame packet-data to provide inbound packets and transmitting a multiplicity of outbound frame packet-data comprising outbound packets;

a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and that constructs the outbound packets and channels the outbound packets with the outbound address information, the

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channeling controller capable of being effectively connected to at least one network via the operating system.

In an analogous art, Linden et al. disclose:

a LINUX operating system, the operating system operably configured in the chassis to control the at least one network card, the at least one wireless card and the at least one processor, which are operatively coupled with the chassis (col. 3 lines 44-47);

a packet-switched interface capable of receiving a multiplicity of inbound frame packet-data to provide inbound packets and transmitting a multiplicity of outbound frame packet-data comprising outbound packets (col. 10 lines 53-65);

a channeling controller, coupled to the packet-switched interface that channels the inbound packets based on the inbound address information and that constructs the outbound packets and channels the outbound packets with the outbound address information, the channeling controller capable of being effectively connected to at least one network via the operating system (col. 7 lines 43-53).

One skilled in the art would have recognized an operating system to use the teachings of Linden et al. in the system of Watts, Jr. et al. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to use the operating system as taught by Linden et al. in Watts, Jr. et al.'s system with the motivation being to control the actual operation of the device (col. 3 lines 44-51).

However, Watts, Jr. et al. in view of Linden et al. do not explicitly disclose a LINUX operating system. In an analogous art, Hampson et al. disclose a LINUX operating system (col. 5 line 59).

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One skilled in the art would have recognized a LINUX operating system to use the teachings of Hampson et al. in the system of Watts, Jr. et al. Therefore it would have been obvious to one of ordinary skill in the art at the time invention, to use the LINUX operating system as taught by Hampson et al. in Watts, Jr. et al. with the motivation being to use a portable computer (col. 5 lines 59).

5. Claims 11 is allowed.

Reasons For Allowance

6. The following is an examiner's statement of reasons for allowance:

Regarding to claim 11, the prior art fails to teach a combination of the steps of:

at least one wireless provisioning device for receiving, authenticating, transmitting, and directing data over a plurality of networks and capable of sustaining connectivity between the wireless access points and the wireless provisioning device, the wireless provisioning device comprising a chassis, at least one network card, at least one wireless card, at least one processor, and at least one operating system operably configured in the chassis and associated with at least one of the plurality of wireless access points for transmitting and receiving data between the wireless access point and a carrier structure and where the wireless provisioning device is capable of accommodating multiple connections back to the wireless access point without requiring rebooting before a new roaming member can be added to the system, the wireless provisioning device further comprises a directory services member operatively connected to the operating system thereof, which is suitable for maintaining a database directory that stores MAC addresses and billing profiles for those in the system, in the specific combination as recited in claim 11.

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Response To Arguments

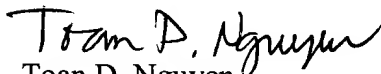
7. Applicant's arguments filed August 18, 2003 have been fully considered, but are moot in view of new ground(s) of rejection.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan D Nguyen whose telephone number is 703-305-0140. The examiner can normally be reached on Monday- Friday (7:00AM-4:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Huy Vu can be reached on 703-308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-9600.


Toan D. Nguyen